

Michał Schwabe*Institute of International Economics, Warsaw School of Economics*

Do Legal Barriers Really Protect the Labor Markets? Empirical Evidence of Polish Migrants after 2004

Abstract

The aim of this paper is to evaluate the role of intervening obstacles, understood as legal and policy barriers blocking immigrant access to foreign labor markets, in the international migration process. To do so, we use Polish international temporary emigrants in the years 2000–2012, which spans both the pre-accession period, when Polish citizens were not entitled to access other EU labor markets, as well as the post – accession period, when certain countries gradually removed intervening obstacles according to the transnational agreements.

The findings of this paper undermine the significance of intervening obstacles on Polish migration to EU countries. Instead, the primary driver of Polish migrants was the EU-15 business cycle – and not the opening of EU labor markets.

Keywords: international migration, Polish migrants, legal barriers, labor markets, migration policy

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Introduction

The neoclassical approach to labor migrations posits that labor, being a factor of production, should be subject to profit maximization both internally [Hicks, 1932] and internationally [Todaro, 1969], and that wage differences are directly linked productivity differences between countries. Although the assumptions underlying the neoclassical

approach have been criticized as being unrealistic, the neoclassical approach has significantly contributed to explaining the primary cause of the vast majority of contemporary migrations by clearly linking the migration process with economic indicators, such as productivity and wage levels.

The significance of intervening obstacles in labor migration theory was first observed by E. Lee [Lee, 1966], who claimed that the propensity to migrate depends on three main groups of factors associated with: (1) the area of destination; (b) the area of origin; and (c) intervening obstacles. Although the significance of these factors was believed to depend on the characteristics of individual migrants, several of them could also more generally influence the migration decision. Legal barriers, being an obstacles universally faced in the contemporary international migration process, are widely thought to be one of the most important reasons for the low international labor mobility.

International economics theory considers international labor mobility beneficial for individual migrants, who obtain higher wages [Borjas, 1989], migrant households, which enjoy risk dispersion [Massey et al. 2011], and for migrants' home and new host economy. The latter benefit is rooted in the notion that migrants are part of the excess workforce from poorer countries, who are used more effectively in growing host economies, which demand labor inputs to maximize their output. Regardless of the benefits of the migration process for the global economy, there is typically high social pressure on labor market protectionism in highly-developed countries, where domestic labor fear displacement, downward wage pressure, and unemployment from mass immigration.

The political willingness to remove immigration barriers globally is therefore relatively low. This was also the case with the 2004 European Union enlargement, when the majority of former EU member states decided against opening their labor markets to citizens of the A8 countries¹ immediately after the 2004 enlargement took place.

In the sections of this paper that follow, we will attempt to empirically verify the impact of post-accession labor market liberalization on the emigration of the Polish citizens to the EU15² countries. To assess the influence of intervening obstacles on the Polish workforce emigration rates, that analysis is divided into two periods, with the dividing point being the date when labor markets for citizens of the A8 countries were liberalized. That analysis is best characterized as a starting point for further academic discussion and research on this topic, as the available time series data in this case were too short to permit a more robust statistical analysis.

Legal Regulations Concerning Intra-EU Migration

Free movement of people is one of the core assumptions of the EU internal market [Directive 2004/38/EC of the European parliament and of the Council of 29 April 2004].

According to Article 45 of The Treaty on the Functioning of the European Union (TFEU), workers in the EU should be able to move freely between its member states for the purpose of employment. Moreover, foreign workers must not be subject to any discriminatory measures regarding employment conditions in any EU member state [*Consolidated Version of the Treaty on the Functioning of the European Union art. 45, 2008 O.J.C. 115/47*].

This regulation has proven to be one of the most politically sensitive laws, particularly regarding the EU enlargement of 2004, when a large group of relatively poor countries joined the Community. In response to fears of most wealthy European economies, which feared that cheap labor inflow from new member states would lower wages (and ignite social protests), so called “transitional agreements” (also referred to as transnational arrangements or provisions abb. “TA”) were introduced to limit immigration and its impact on the host countries’ labor markets [*The Transnational Arrangements For the Free Movement of Workers From The New Member States Following Enlargement of the European Union On 1 May 2004*]. The character and scope of these restrictions was decided individually by each EU member state. However, a common structure of transitional arrangements was introduced to impose certain thresholds to those limitations, especially with regard to their overall time limit. The general assumption was that national restrictions on a host country’s labor market would apply for two years after the 2004 accession, which could (after an evaluation by that country) be extended for another three years. A guiding principle was that within five years after the 2004 enlargement, all EU15 countries should have liberalized access to their labor markets for new EU member state citizens, but another two year extension of restrictions was permitted if the host country concluded that it otherwise faced *serious disturbances (or a threat thereof)* on that country’s labor market.

Hence, the most important limitation on transitional agreements was a seven year maximum time limit, subject to mid-term evaluation periods after the second and the fifth years. Each EU15 member state was also free to decide to remove migration barriers at any time before seven years had passed, without waiting for the relevant evaluation period to end. A second important limit on transnational agreements was their reach was limited to employment matters only, and they were otherwise prohibited from affecting the free movement of people for any other purpose.

In May 2004, only three of the EU15 countries decided against transitional provisions and liberalized access to their labor markets immediately following the accession of the new member states. These countries were United Kingdom, Ireland and Sweden. Other EU15 member states decided to maintain restrictions for at least another two years, which was in line with the regulations included in TA. After this period, i.e., in 2006, barriers were removed by Greece, Spain, Italy, Portugal and Finland. The next three countries to lift the transitional arrangements were the Benelux countries, which decided to do so before the end of the following three-year period: the Netherlands and Luxembourg liberalized their labor markets in 2007, followed by France in 2008 [Holland, 2011]. The only two

European countries that maintained the barriers throughout the entire seven-year period were Austria and Germany, which lifted the barriers in 2011 (see Table 1).

TABLE 1. Expiration of the transnational arrangements in relation to A8 citizens, in chronological order

COUNTRY	YEAR
Ireland	2004
Sweden	2004
UK	2004
Greece	2006
Spain	2006
Italy	2006
Finland	2006
Portugal	2006
Netherlands	2007
Luxembourg	2007
France	2008
Belgium	2009
Denmark	2009
Austria	2011
Germany	2011

Source: Holland et al. 2011.

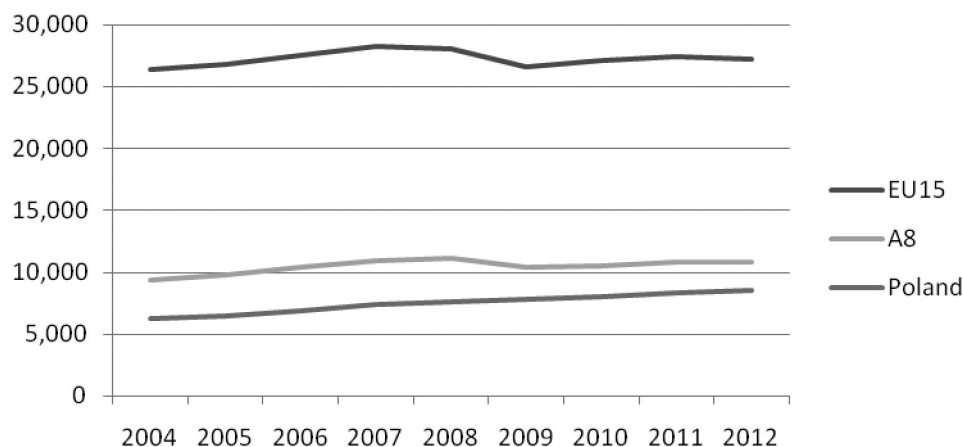
Economic Incentives for Migration of Polish Labor

Our baseline assumption is that the direction of migration is generally determined by differences in national wealth, and that people migrate from their countries of origin (in this case, Poland) to countries where they can earn significantly higher wages. This logical assumption is in line with the vast majority of migration theories. It does not, however, capture situations in which migration results from non-economic factors or occurs between countries of similar wage and productivity levels. The latter case is readily observed in, for example, migration between Germany Austria and Switzerland, or France, Belgium and Switzerland, where lack of language barriers and shared cultural backgrounds lower the “cost” of migration. In such cases, marginal improvements in economic opportunity may be enough to precipitate migration.

Since wage levels in the A8 countries were not significantly different from each other during the examined period³, we further assume that the destination of migrants from these countries was one of the EU15 member states, which represented an opportunity to significantly improve living conditions.

And, indeed, analysis of macroeconomic indicators at the time of enlargement demonstrates that there were real incentives for A8 country citizens to migrate to EU15 countries. This is perhaps most clearly seen in terms of GDP per capita, whose dynamics seems to be correlated with the migration dynamics [Leven, Szwabe, 2013]. The average GDP per capita in the EU15 was estimated at 26,400 euros in real terms. This was over 2.5 times higher than the corresponding value for the ten countries that joined the European Union in 2004, whose average GDP per capita at that time was 9,320 euros. The corresponding value for the Polish economy was even lower than the GDP average of the new member states; in 2004 it was 6,200 euros, placing Poland as one of the three EU countries with the lowest GDP per capita in real terms, followed only by Lithuania and Latvia. In subsequent years, despite the constant growth of its economy, Poland's GDP per capita remained lower than the average for the countries of the 2004 enlargement, which did not seem to converge with the EU 15 average (see Figure 1).

FIGURE 1. Real GDP per capita levels in the European Union in 2004-2012, in EUR



Source: Eurostat.

At the time of accession to the EU Poland's unemployment rate exceeded 19%. The problem of Polish unemployment was complex, and involved multiple factors related to the ongoing transformation of Poland's formerly centrally planned economy into a market based one. In general, this transformation resulted in mass lay-offs in inefficient sectors (especially heavy industry). Those lay-offs overlapped with the expiration of protective

periods that had been negotiated by the labor unions in the course of the privatization process, during which the public administration, healthcare and educational sectors were reformed. These processes left many Poles both unemployed and, in effect, unemployable, as they lacked the competences and skills required by foreign companies entering Poland at that time. The resulting mismatch between available labor and desired skills became a structural problem on the Polish labor market, which exhibited a growing demand for highly skilled professionals.

This high unemployment rate also put downward pressure on Polish wages: the average wage in the Polish economy was at that time over five times lower than the average net annual earnings in the EU15 and amounted to 3484,01 euro.⁴

Polish Migration to United Kingdom, Ireland and Sweden

Against this backdrop of high domestic unemployment and intra-EU income disparities, it is unsurprising that many Poles migrated within the EU after 2004. The highest immigration dynamics of the three countries that did not impose transnational provisions was observed in the UK, which was ranked highest overall in examined economic characteristics influencing migration. In particular, total GDP in the United Kingdom in 2004 was over 2 trillion USD, as compared to Sweden (362 billion USD) and Ireland (186 billion USD)⁵, although GDP per capita levels in Ireland, Sweden, and the United Kingdom were then 37,900 euros, 32,200 euros, and 30,200 euros, respectively⁶.

Regarding unemployment, of these three countries Ireland had the lowest unemployment rate (4.6%), followed by the United Kingdom (5.0%) and Sweden (6.6%).⁷ Critically, though, the British economy offered the highest annual net earnings of 23,464 euros, followed by Sweden (22,232 euros). Immigrants to Ireland could expect lower wages, as the annual net earnings level for this country in 2004 was 15,169 euros.⁸

It would be useful to extend this three country analysis to differences in minimum wage levels, insofar as the majority of low-skilled migrants were most likely to receive the lowest remuneration allowed by law, especially in the first months upon arriving in the destination country. However, Sweden (as well as other Scandinavian countries) does not regulate its minimum wage level, which is instead left largely to the process of bilateral sectorial agreements between the employers and the trade unions. Minimum wage levels in Ireland and the United Kingdom at the time of enlargement were almost equal, fluctuating at around 7.00 euros on hourly basis.⁹

Table 2 ranks these three economies (United Kingdom, Sweden and Ireland) according to economic indicators described above.

TABLE 2. Ranking of the basic economic indicators of the UK, Ireland and Sweden in 2004

Country / Rank (1-3)	Total GDP	GDP per capita	Unemployment rate	Annual wage
UK	1	3	2	1
Ireland	3	1	1	3
Sweden	2	2	3	2

S o u r c e : Author's own elaboration on the basis of Eurostat, European Industrial Relations Observatory and the World Bank data.

From Table 2, we see that the United Kingdom was the most economically alluring for the Polish migrants. Britain's economy was the largest in terms of total GDP and offered the highest wages. Although GDP per capita and the unemployment favored the Irish economy, Ireland enjoyed a significantly lower GDP (almost 12 times) lower than the British economy, which translated into substantially fewer operating companies and, hence, a lower immigrant absorption capacity for the Irish economy.

Besides an absolute advantage in terms of each analyzed economic indicator, the United Kingdom and Ireland also benefitted from a significant linguistic advantage. Since English is widely considered to be the lingua franca of the XXI Century world, two circumstances were created. One circumstance is that since many Polish migrants had been taught English as an obligatory course in Polish primary and secondary schools, that aspect of the cost of assimilation was lower in Britain and Ireland than in Sweden. Another circumstance is aspirational; in a world that relies increasingly on English, working and living in English speaking countries offered greater opportunities to gain proficiency in that language.

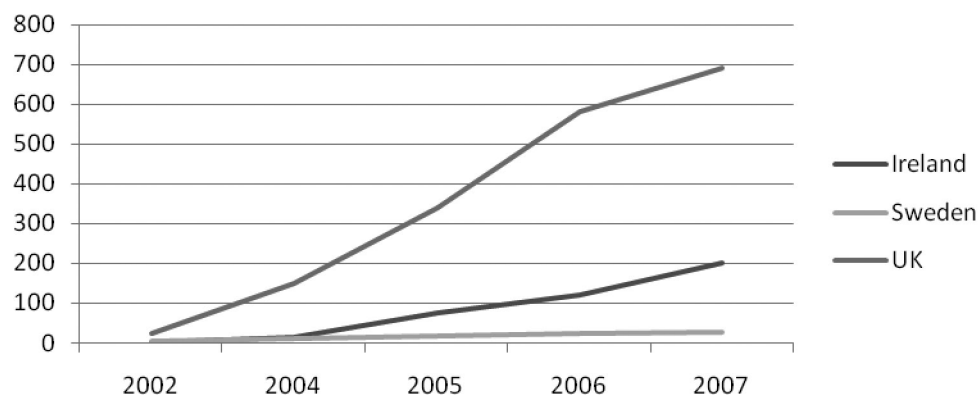
This combination of factors suggests that (a) the Polish workforce would be prone to emigrate after Poland joined the European Union in 2004, and (b) its primary destination countries would be the United Kingdom and Ireland. And that migration did, indeed, occur, at levels that exceeded expectations.,

In the United Kingdom annual total immigration from new EU member states after the transitional agreements were lifted was anticipated to be between 5, 000 and 13, 000 by the British Home Office. this low number was not considered problematic, even by migration opponents [Dustmann et al., 2003] . That low number was, however, also inaccurate. As early as 2002 Polish migrant numbers in the United Kingdom, Sweden, and Ireland were estimated at 24,000, 6,000, and 2,000, respectively. By the end of 2004 (after the United Kingdom and Ireland lifted their transnational agreements) the Polish Central Statistical Office [GUS]¹⁰ data estimates that there were as many as 150,000 Polish immigrants in the United Kingdom, 11,000 in Sweden and 15,000 in Ireland, equating to rather impressive dynamics of Polish immigration – being an increase of 650% as compared to the corresponding value in 2002. The number of registered Polish immigrants in the United Kingdom at the end of the accession year therefore exceeded all previous

predictions, even though it is claimed that not all of them legalized their stay (so called 'semi-legal migrants') [Kubal, 2009], and that a large percentage of registered immigrants had already been present in the United Kingdom and simply took the opportunity to legalize their stay [Portes, French, 2003]. The scale of immigration growth is nevertheless unprecedented, and sustained. The dynamic inflow of the Polish citizens was not limited to one year. Rather, Polish migration grew at a relatively high pace from 2004–2007 (i.e., until the recession of 2008), with the average yearly dynamics of 185% in the case of the United Kingdom and 295.5% in the case of Ireland. The Polish average yearly migration dynamics to Sweden in the described period was far lower and amounted to 48,3% (see Figure 2), although it should be noted that in 2002 the number of Poles in Sweden was three times higher than in Ireland and amounted to 6,000.

Calendar year 2003 is omitted from this calculation due to a lack of reliable GUS data for that year.¹¹ Although 2003 data can be retrieved from the local statistical offices (e.g., the LFS in the United Kingdom), these local data do not always correspond with the Polish data set. Reliance is placed on the GUS dataset because it avoids the under-reporting that often characterizes foreign host statistics since many Polish citizens refuse to register in the host country, even if such registration is obligatory.

FIGURE 2. The post-accession Polish migration dynamics to Ireland, Sweden and the UK



Source: Eurostat.

The low dynamics of emigration to Sweden can be explained by several factors. First and foremost, as it was shown in Table 2, Sweden was not ranked as number one in terms of any of the analyzed economic indicators. The Irish economy had the highest real GDP growth rate (4.4% in 2004)¹² and the British economy was ranked among the largest economies in the world. Moreover, such non-economic factors as the language

barrier likely played a role in discouraging Polish emigration to Sweden. The two facets of this issue (easier communication for those who know rudimentary English, and the opportunity to improve English language skills) have already been mentioned. It has also been observed that despite Sweden's low unemployment rate there, are few job vacancies for newcomers to the Swedish labor market. [Wadensjö, 2007].

Relatively high Polish migration to the United Kingdom and Ireland after 2004 is also consistent with the migrant networks and migration systems theories, which claim that an existing social network of migrants in the destination country and potential migrants in the country of origin is decisive to migration flows. The interconnections between those who already emigrated and those who are considering doing so are crucial for migration flows, as current immigrants provide potential migrants with precise information about living conditions, work opportunities and the local labor market in their place of residence. If current immigrants positively report their improved living conditions, others are encouraged to move to certain locations, the migration process gains momentum, and it becomes self-perpetuating independent of the factors that originally triggered it.

Such was the case with the Polish migration to the United Kingdom and Ireland in 2004. Migrating Poles were able to readily maintain frequent contacts with their social network (without incurring significant costs due to ICT development), and many of their network members decided to migrate as well. After emigrating and settling in the destination country they, in turn, became the information source for more potential Polish migrants. This migrant network effect is crucial to explaining large scale Polish migration inflows to the United Kingdom and Ireland in the post-accession period [Sumption, 2009]. In 2009, 26% of Polish migrants surveyed stated that they found employment in 2004 through contacting other Poles working in the United Kingdom. This proportion grew to 36% in 2007. Why migrant networks were less efficient in Sweden may be because the main wave of immigration to Sweden was between the 1945 and 1970 [Wadensjö, 2007]. This suggests that the Polish diaspora in Sweden did not manage to establish relations with young Poles (those who migrated during the post-enlargement period).

However, the 2008 recession provides strong evidence that the destination country business cycle, understood as fluctuations in the year to year GDP growth, is also an important determinant of intra-European migration flows. When the United Kingdom and Ireland were hit by the recession, many Polish migrants decided to return to their country of origin. The positive ratio of Polish migration to the United Kingdom was again observed when the GDP growth path of the destination countries returned to being positive. This sudden outflow of Polish immigrants during the crisis freed the British and the Irish economies from an excess workforce without generating budget costs for these countries' governments (i.e., unemployment benefits, social benefits). This outcome therefore (surprisingly) proves beneficial for the host immigration country's labor market, supporting labor market liberalization. If the Polish immigrants had been illegal in the immigration countries (in this case the United Kingdom and Ireland), they would be unlikely to return

to Poland after losing their jobs, for fear it would be impossible for them to return [Leven, Szwabe, 2013]. In the analyzed case, numerous migrants decided to return to Poland during the 2008-2009 crisis (according to GUS data, the number of Polish immigrants in the UK shrunk from 690,000 in 2007 to 595,000 in 2009 and in Ireland from 200,000 to 140,000)¹³, waiting for the British and the Irish economies to recover. After this recovery (i.e., when the United Kingdom and Ireland returned to positive annual GDP growth), migration data reveals increased Polish immigrants numbers, indicating that the Polish workforce gradually began to return to those countries.

Notably, migration flows were more related to the economic growth of the destination country than the country of origin, as proved by Polish migration to the UK, where the analysis of the dependence between annual growth rate of Polish migration to the UK and the annual growth rate of the difference between the British and the Polish GDP between 2004 and 2010 was conducted. The Pearson correlation coefficient reached the value of 0.667, which can be interpreted as relatively strong dependence. This means that changes in differences in the economic growth between the United Kingdom and Poland were linked to the annual growth rate of Polish migrants to the UK. However, it bears mention that the time series date used for the statistical dependence analysis was not long enough to permit firm, definite conclusions to be reached [Szwabe, 2012].

Economic Growth vs. the Intervening Obstacles in the Migration Process

The 2004 removal of intervening obstacles and transnational arrangements in the United Kingdom, Ireland, and Sweden undoubtedly played a role in the mass migration of Poles to those three countries. However, an analysis of the migration dynamics to countries that subsequently liberalized their labor markets undermines the centrality of intervening obstacles as an explanation of the intra-EU migration process and patterns. The average year to year emigration dynamics to all the EU15 countries after each lifting their transitional arrangements is estimated at 25%. This number includes the very high immigration dynamics of the United Kingdom and Ireland (respectively 91% and 142.8%). Even more interesting is that the Polish emigration dynamics average to the EU15 countries before each of them liberalized their labor markets was surprisingly higher, reaching 32.8% (see Table 3).

TABLE 3. Polish average migration dynamics to the EU15 countries before and after lifting the TA

COUNTRY	av. Δ after lifting the TA	av. Δ before lifting the TA
Austria	-17,2	18,1
Belgium	13,3	21,0
France	3,1	28,3
Greece	0,6	25,9
Spain	9,4	55,0
Ireland	142,8	n/a
Netherlands	14,6	81,6
Germany	-0,7	6,5
Sweden	27,1	n/a
UK	91,0	n/a
Italy	5,3	46,6
Finland	50,6	36,3
Portugal	11,1	29,1
Denmark	-1,7	11,8
Luxembourg	n/a	n/a
AVERAGE	25,0	32,8

Source: GUS.

There are several possible explanations for these dynamics. A likely one is that emigration rates are strongly correlated with the destination country business cycle [Szwabe, 2012]. The economic crisis of 2008 caused EU15 immigration rates to fall, regardless of the fact of their phase of labor market liberalization. Table 4 shows how the average Polish emigration rates to the EU15 countries gradually diminished and finally slumped in 2008, reaching negative values due to the economic recession. It is worth mentioning that Poland was the only EU country managing to sustain positive GDP growth numbers throughout the recession, which lends further support to the notion that the business cycle of the emigration country is less important for the migration process than the business cycle of the destination country.

TABLE 4. Polish average emigration rates after the 2004 EU enlargement

Year	$\Delta 2002/$ 2004	$\Delta 2004/$ 2005	$\Delta 2005/$ 2006	$\Delta 2006/$ 2007	$\Delta 2007/$ 2008	$\Delta 2008/$ 2009	$\Delta 2009/$ 2010	$\Delta 2010/$ 2011
av. emigration Δ	135,3	80,6	57,1	25,8	2,1	-5,5	-3,1	-3,0

S o u r c e : GUS, Report on volumes and directions of emigration from Poland, http://stat.gov.pl/cps/rde/xbcr/gus/L_Szacunek_emigracji_z_Polski_lata_2004-2012_XI_2012.pdf

Another interesting observation is that most EU15 countries experienced high numbers of Polish immigrant inflows in the period immediately following labor market liberalization. This may indicate that the statistics include migrants already living in the host migration countries at transnational arrangements were lifted, and legalized their status when given a chance to do so [Ports, French, 2005].

Conclusions

The role of legal barriers in migration process is indisputable. This can clearly be seen in Polish migration to the UK and Ireland, where open labor markets caused large scale immigration. However, the above analysis suggests at least two other factors are highly relevant to migration volumes and directions. The first is the language spoken in the destination country. Since most Europeans have had at least some experience with English, countries in which English is the official language offer an advantage to migrants of lower assimilation costs, while providing them with a ready opportunity to improve those language skills in a global economy, in which proficiency in that language is widely viewed as facilitating professional careers.

The second factor – considered to be the key finding of this paper – is that the business cycle of the destination country seems to be of decisive importance to migration inflows. More specifically, regardless of differences in the nominal values of wage levels or GDP per capita between the country of origin and the country of destination, emigration rates of Polish citizens were strongly associated with EU15 business cycles. When these countries were hit by recession Polish emigration dynamics slowed, and often reached negative values. That is, during host country recession, more Poles were returning to their home country than leaving it. On the other hand, it must be noted that due to historical processes many Polish citizens, especially those living in the Southern and Western Poland, are dual citizens (e.g., Polish and German) and, for that reason, were entitled to work in the EU15 countries long before the transnational arrangements were lifted.

In conclusion, although legal barriers must be incorporated into any migration process analysis, their removal is not alone sufficient for migration to take place. As this study shows, the examined data supports the relationship between high immigration rates and

workforce demand from local businesses in the host country, resulting from that country's overall economic prosperity and GDP growth rates.

Notes

¹ A8 countries are countries which joined the EU in 2004, except for Cyprus and Malta, i.e., the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

² EU-15 countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom.

³ Source: European Industrial Relations Observatory (EIRO)

⁴ Source: Eurostat

⁵ Source: World Bank

⁶ Source: Eurostat

⁷ Source: Eurostat

⁸ Source: Eurostat

⁹ Source: European Industrial Relations Observatory

¹⁰ http://stat.gov.pl/cps/rde/xbcr/gus/L_Szacunek_emigracji_z_Polski_lata_2004-2012_XI_2012.pdf

¹¹ As no reliable GUS data are available for 2003, the above calculations omit this year and compare the number of immigrants of 2004 with this of 2002, when the Polish Census survey was conducted. This is the case with the UK, Ireland and Sweden.

¹² Source: Eurostat

¹³ http://stat.gov.pl/cps/rde/xbcr/gus/L_Szacunek_emigracji_z_Polski_lata_2004-2012_XI_2012.pdf

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